

Town of North Andover  
ZONING BOARD OF APPEALS

*Albert P. Manzi III, Esq. Chairman*  
*Ellen P. McIntyre, Vice-Chairman*  
*Richard J. Byers, Esq. Clerk*  
*D. Paul Koch Jr. Esq.*  
*Allan Cuscia*



Associate Member  
*Michael P. Liporto*  
*Deney Morganthal*  
*Doug Ludgin*  
Zoning Enforcement Officer  
*Gerald A. Brown*

Approved  
18  
June  
13

**DRAFT MINUTES**  
**Tuesday, May 7, 2013 at 7:30 PM**  
**Senior Center 120R Main Street, North Andover, Massachusetts**

**Members present:** Albert Manzi III, Esq., Ellen McIntyre, Richard Byers, D. Paul Koch Jr., Esq. and Allan Cuscia

**Associate Member:** Michael Liporto and Doug Ludgin

**Also in attendance:** Zoning Enforcement Officer: Gerald Brown

**Excused Absence:** Deney Morganthal

Manzi called the meeting to order at 7:33.

**Pledge of Allegiance**

**Acceptance of Minutes for April 9th, 2013**

McIntyre made the motion to approve the Minutes

Cuscia second the motion.

Those voting in favor to approve the minutes were McIntyre, Byers, Koch, Cuscia and Liporto.  
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**Committee Report**

**Committee Report Merrimack Valley Planning Commission Report**

Richard Byers stated that he had nothing much to report on the MVPC this month

**Committee Report Housing Partnership Report**

Ellen McIntyre stated that a letter was submitted from the MassHousing regarding Berry Street.

**New Public Hearing**

**Special Permit and Variances R-3, Edward and Tina Collins, 75 Chestnut Street (Map 60.C Lot 28)**

Jack Sullivan, the engineer representing Edward and Tina Collins walked up to the podium and stated that his clients are requesting to construct an attached garage and porch to their pre-existing non-conforming structure and need both a Special Permit and three Variances. Sullivan stated that this is a unique property. It is in an R-3 Zone and is a one story structure on a lot of about 8,000 square feet and is less than half the amount of what is required for this zone which is 25,000 square feet. Sullivan talked of the three variances needed, front setback A is, 21.4 feet, front setback B is, 0.6 feet, and the Rear setback is, 2.7 feet.

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Per Table 2 the required front and rear setbacks are 30 feet.

He stated that the Collins' are making ongoing improvements to their home. They need additional room to store their vehicles. No living space will be provided above the garage.

They plan on building a garage with no structure above.

Sullivan went on to say the hardship that the Collins' have is that it is a very undersized lot and that it is located on the corner. Sullivan also stated that the Maplewood Ave side is on a paper street.

McIntyre asked if there was already a garage and also asked about the existing size of the home and also the proposed addition.

Sullivan stated that there is no garage, the finished area is about 1395 square feet and the proposed addition is around 600 square feet.

Ludgin stated that it is a 30% increase with the addition.

Manzi asked of the paper street on Maplewood Ave in relationship to the property. He felt Sullivan needs more information to supply the Board, with regards to this paper street.

Sullivan stated that it is laid out at the Registry of Deeds as a paper street, but was not sure who had the rights to it. Sullivan mentioned that it is used by the abutters and others who need access over this paper street. Sullivan stated that it was an unconstructed abandoned type of paper street. Sullivan went on to say that he is not positive, but he believes that the town does not own this paper street.

Edward Collins walked to the podium and stated that they would like to have a two car garage to utilize for their vehicles.

McIntyre noted that the addition is higher than their existing home.

Byers asked Sullivan of the measurement from the corner to Longwood Ave, Sullivan stated 14 feet to the edge of pavement.

Byers asked where they park today, and he also asked if they talked to their neighbors on this proposed addition. The Collins responded that they did talk to their neighbors and no one seemed to object, they also answered that they park their cars alongside the front of their home.

Manzi noted that no abutters came in to object on the project.

Manzi asked if anyone in the neighborhood have garages.

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Tina Collins owner of the property walked up to the podium and stated that her and her husband drove around Chestnut street and stated that about 95% had garages and the surrounding area have about 85% with a garage.

Byers asked if they planned on keeping their circular driveway, Tina Collins responded that they would probably keep a portion of it.

Sullivan stated that when he met with Tina and Edward Collins, he told them both that this may be a challenge with the variances.

Manzi asked that the additional paper work that the Tina Collins submitted into the file tonight with the Zoning Assistant be passed around for the board to view. One was a deed and the other was a short letter allowing permission for Jack Sullivan to speak on their behalf.

Liporto stated that he would like to see what the configuration of the proposed driveway would look like, and he also asked on what street a car would exit from.

Sullivan responded saying that more of Chestnut Street would be used, but also a portion would be Longwood Ave as well.

Sullivan stated that the proposed location of the garage is really the only place that makes sense and would be the only logical place logistically to place it.

Ludgin thought a 1 stall garage would make more sense. Ludgin stated that he would lean more towards that proposal.

McIntyre stated that she sees this proposal as a safety issue and was concerned with the .6 relief. She also spoke of the concerns of the driveway access.

McIntyre stated that she would still have her concerns with a 1 stall garage.

McIntyre also had concerns with how the garage is higher then the rest of the house.

Cuscia spoke of his concerns with the garage and also had his concerns with the access on and off the street. Cuscia also spoke of the winter and where the snow would be piled during snow storms. Cuscia also had concerns with using a public way as their driveway.

Manzi wanted Sullivan to get more info on this proposal, such as the paper street, more pictures of the existing driveway and a drawing of the proposed driveway and how they will be exiting and entering the driveway.

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Manzi also suggested to Sullivan that he should talk to the DPW regarding this paper street as well as to talk to the Town Clerks to see how this paper street can or cannot be used. Manzi stated that we need something for the record.

Byers asked of the accident reports of this area and if Sullivan could also obtain this accident report history. Sullivan stated that he will look into that and will get that information for them.

Ludgin stated that the proposed roof does not match the existing roof pitch of the house and complicates the building code issues clearance, in regards to the chimney.

Manzi stated he can see the hardship on this lot.

Byers stated that it is definitely a unique lot.

Manzi asked if they were willing to sign a continuation form.

Koch suggested to the applicants that they should think of getting letters of support from their abutters, or have an abutter(s) show up at the next meeting to express their support.

Byers made a motion to grant a continuance till the regular June 18<sup>th</sup> meeting.

Koch second the motion

All were in favor Manzi, McIntyre, Byers, Koch, and Cuscia

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Tina Collins signed the continuation form with the Zoning Assistant.

**Continued Public Hearings**

**Special Permit R-4, V. Scott Follansbee, 50 Martin Avenue (Map 45G Lot 36)**

**The applicant, V. Scott Follansbee, and his attorney, John Burke has requested a continuance on their hearing until June 18, 2013.**

Manzi explained to the Board that he has a correspondence and also a signed and time stamped waive form from Atty. Burke requesting this continuance, until the June 18<sup>th</sup> Zoning Board meeting. He apologized for this, since now he no longer has a secretary and has been behind.

Burke walked up to the podium and summarized the letter to the Board stating that they (the applicant) will be filing additional applications and that they would like them to be heard simultaneously with the current application.

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He stated that one filing would be the existing application, another would be a Family Suite, and the other filing would be for a variance for an additional single family.

The Zoning Assistant stressed to Burke to get the new filings in days ahead of the deadline, in order that the Building Inspector gets to see it in a timely manner in order to make the June 18<sup>th</sup> meeting.

Cuscia made a motion to accept the continuance for 50 Martin Ave till June 18, 2013

McIntyre second the motion

Manzi, McIntyre, Koch, Cuscia and Ludgin voted in favor to continue the public hearing for 50 Martin Ave until June 18, 2013.

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**Miscellaneous Correspondence**

Manzi reviewed the letters that were included into the Board's packets. A letter from CHAPA dated April 5, 2013 sent from Program Manager, Elizabeth Palma-Diaz, regarding owner's intent to sell their affordable unit. Another letter included in the packet was from MassHousing dated April 11, 2013, sent from the Director of the Comprehensive Permit Programs regarding a Final Approval Letter for Orchard Village.

**Adjournment: 8:23**

Byers made a motion to adjourn the meeting

Cuscia second the motion

All were in favor to adjourn the meeting Manzi, McIntyre, Byers, Koch and Cuscia.

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